

Educational Surrogate Parent Program
NH Department of Education • 101 Pleasant Street • Concord, NH 03301
(603) 271-3737

How to Request the Appointment of an Educational Surrogate Parent

Children need an adult to represent their interests through the “special education process”. This process may start with 1) a referral and evaluation, and may continue to include 2) the decision as to whether there is an educational disability, 3) the development of an IEP, 4) the selection of the placement and 5) monitoring of the student’s progress in special education. Children whose parents are unknown, unable to be located, deceased, whose parental rights have been terminated, or whose parents have relinquished their rights are in need of an Educational Surrogate Parent. In addition, Unaccompanied Youth under the McKinney Vento Homeless Assistance Act or children in DCYF guardianship in which a court orders the appointment of an educational surrogate parent are in need of an Educational Surrogate Parent.

The school district of liability must request an Educational Surrogate Parent for a child.

The School District of Liability

1. Alerts itself to a student’s possible need for an Educational Surrogate Parent:
 - a) On the date of referral of any student to special education.
 - b) On the date any new special education student moves into the area and is enrolled in school.
 - c) When any special education student is taken into DCYF custody or guardianship.
 - d) When any special education student is determined to be an Unaccompanied Youth under the McKinney Vento Assistance Act
 - e) When anyone believes that a special education student’s parents are not acting as his/her educational representative and bring it to the attention of the local school district.
2. Conducts an investigation of the student’s need for an Educational Surrogate Parent (parents are unknown, unable to be located, deceased or termination or relinquishment of parent rights has been completed).
3. Makes the decision as to whether the student needs an Educational Surrogate Parent. If the district of liability determines as a result of its investigation that a parent or guardian is available to serve as the student’s educational representative, NO Educational Surrogate Parent appointment would be requested by the district of liability.
4. If the child is in DCYF Legal Guardianship or DCYF Custody and both of the parent’s rights have been relinquished or terminated per a court order and/or parent(s) is deceased; the school district should request an educational surrogate parent by completing and submitting the Educational Surrogate Parent Request Form, an Under Age Affidavit of Majority form, and submit with a copy of the court order and/or death certificate.
5. If the child is a ward of the state and the court of competent jurisdiction has ordered that an Educational Surrogate Parent be appointed to represent the child in the special education process; the school district should request an educational surrogate parent by completing and submitting the Educational Surrogate Parent Request Form, and submit with a copy of the court order.
6. If the school district homeless liaison has determined the child to be an Unaccompanied Youth, as defined by the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11434a(6); the school district should request an Educational Surrogate parent by completing and submitting the Educational Surrogate Parent Request Form, an Under Age of Majority Affidavit form with the homeless liaison’s signature on Unaccompanied Youth portion of form.
7. If the child is in DCYF Guardianship and the child parents’ are “unable to be located”, the school district under Ed 1115.03(e) must document records of its attempts to discover the whereabouts of the parent(s) and in accordance with Ed 1115.03 (b) and Ed 1115(c) send a notice with specific requirements to the last known address of the parents by certified mail. Upon completion of this process, the school district should request an educational surrogate parent by completing and submitting the Educational Surrogate Parent Request Form, an Under Age of Majority Affidavit form, and submit a copy of the notice to parent sent certified mail and any response received from the parent as well as records attempting to discover the whereabouts of the parent(s).

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8. Reviews the Educational Surrogate Parent Request materials for completeness and appropriateness, returning any forms for more information if necessary. **(ALL APPLICATIONS MUST INCLUDE A COMPLETED, NOTARIZED UNDER AGE OF MAJORITY AFFIDAVIT and DOCUMENTATION REGARDING BIOLOGICAL PARENTS).**
9. Once the NH DOE verifies that application materials are complete and accurate, locates an available Educational Surrogate Parent to represent the student.
10. The NH DOE then formally appoints the Educational Surrogate Parent for the student and notifies the Educational Surrogate Parent and all other involved parties of the official assignment.